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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,417	03/13/2001	Arlyn Asch	EHELP.002A	2141

7590

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 08/13/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/805,417

Applicant(s)
Asch et al

Examiner
Etienne P LeRoux

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2171



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 2, 2003
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 13, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No. 5,806,043 issued to Toader (hereafter Toader '043) above, and further in view of US Pat No 4,964, 077 issued to Eisen et al (hereafter Eisen '077).

Regarding claim 1, Toader '043 discloses:

providing electronic help on a website [Fig 1 and col 4, lines 1-22]

collecting usage data from the electronic help [Fig 3 and col 5, lines 30-48]

providing at least one report, said report being indicative of the usage data [Fig 1, 11 and col 4, lines 34-39]

Regarding claims 1, 7 11 and 14-16, Toader '043 discloses the essential elements of the claimed invention as noted above except for wherein the usage data comprises an identifier that identifies the point in a website where electronic help was requested. Eisen '077 discloses

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wherein the usage data comprises an identifier that identifies the point in a website where electronic help was requested [

Fig 4, 260 and col 7, lines 45-63].

Regarding claims 2 and 17, Toader '043 discloses the essential elements of the claimed invention except for modifying the website based on said report. Eisen '077 discloses modifying the website based on said report [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Toader' 043 to include modifying the website based on said report as taught by Eisen '077 for the purpose of matching the help information to the skill level of the user [abstract].

Regarding claim 3, Pat '043 discloses the report is generated automatically upon receipt of usage data [col 4, lines 34-39]

Regarding claims 4, 8, 12 and 18, Pat '043 discloses a user browser type [col 4, lines 40-46]

Regarding claims 5, 9, 13 and 19. Pat '043 discloses a user network address [col 4, lines 30-34]

Regarding claims 6, 10 and 20, Pat '043 discloses a requested help topic [col 4, lines 50-63]

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Response to Arguments

3. Applicant's arguments filed 7/2/2003 have been fully considered but they are not persuasive.

Applicant states on page 6, "To clarify the claimed step, Applicants have amended this step to clarify that the usage data comprises an identifier that identifies the point in the website or application where electronic help was requested. Toader's compiling of a database profile does not teach or contemplate the collection of this type of contextual, application specific information." Examiner is not persuaded.

In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., collection of this type of contextual, application specific information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, examiner maintains Toader '043 does read on "collecting usage data from the electronic help, wherein the usage data comprises an identifier that identifies the point in a website where electronic help was requested." Toader '043, col 4, lines 35-39 states the following:

At block 6, the customer provides answers to the questions, wherein, at block 11, the IES collects the information and compiles a database profile for this customer, forwards the profile to the sponsor, and activates a timer or starts a calendar to time the customer's Internet on-line help access.

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Examiner maintains above teaching of a timer or calendar reads on Applicant's claim 1 limitation "collecting usage data from the electronic help, wherein the usage data comprises an identifier that identifies the point in a website where electronic help was requested."

Moreover, examiner maintains that "this type of contextual, application specific information" is exactly what is provided by each and every help screen. The user will select from the help screen application specific information relevant to the usage data under consideration.

However, in order to advance prosecution and avoid pointless arguments, examiner in response to Applicant's amendment of claim 1, provides above new rejection in view of Eisen '077 which reads on "collecting usage data from the electronic help, wherein the usage data comprises an identifier that identifies the point in a website where electronic help was requested."

Applicant states on page 6, lines 12-14, "Toader does not, however, teach the claimed step of providing a report that is indicative of the usage data. Specifically, customer profile information is not usage data." Examiner is not persuaded. Toader '043 states in col 5, lines 21-25, the following:

At block 34, the customer is billed during the normal credit card billing cycle. At block 35, the customer reactivates the browser program and continues the Internet access or logs off and reserves the purchased time for later use.

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The fact that Toader teaches that purchased time can be saved for later use reads on the claimed “providing at least one report, said report being indicative of the usage data.”

Applicant states on page 7, lines 2-6 “The step of the claimed invention requires that the report containing the usage data for the website is used as a basis for modifying a website. Thus, Toader merely teaches launching a specific website while claim 2 requires modifying a website based on a report containing usage data for the website. The claimed step is not taught or disclosed by Toader.” Examiner is not persuaded. Based on Applicant’s amendment of claim 1, a new rejection of claim 2 in view of Eisen ‘077 is made in above office action.

Applicant states on page 7, lines 7-11, “With respect to dependent claim 3, the examiner cites Toader’s compiling of a user profile as teaching the claimed step of automatically generating a report upon receipt of the usage data. As previously explained, creating a user profile does not teach compiling data pertaining to the use of the website or application. Thus, compiling a user profile does not teach the claim[ed] of automatically generating a report.” Examiner is not persuaded. Toader ‘043 states in col 5, lines 21-25, the following:

At block 34, the customer is billed during the normal credit card billing cycle. At block 35, the customer reactivates the browser program and continues the Internet access or logs off and reserves the purchased time for later use.

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The fact that Toader teaches that purchased time can be saved for later use reads on the claimed "providing at least one report, said report being indicative of the usage data."

Applicant states on page 7, lines 12-17: "With respect to claims 4 and 8, the Examiner cites Toader [column 4, lines 40- 46] as teaching the step of collecting a user's browser type as part of the usage data. Although the cited passage discusses browsers, it does so in context of the IES launching a browser program on the local user's PC. Conversely, the claimed step requires that the type of browser being employed by the user is collected as part of the usage data. Thus, Toader does not teach the claimed step." Examiner is not persuaded. Toader '043 in column 2, lines 9-23 the following:

The present invention is a method for providing on-line help services to customers of a sponsor/vendor's consumer products by providing a customer with vendor-paid access to the Internet for a limited time. The method includes the step of distributing to customers, along with the products, a floppy disc with Internet access software thereon. Associated with the floppy disc is a unique personal identification number (PIN) along with instructions on installing and using the Internet access software on a personal computer (PC). The Internet access software accesses and "handshakes" with an "Internet Entry Server", which verifies the PIN number, provides the access and times the user's access time. The Internet Entry Server is programmed to recognize the PIN number as entitling the user to a limited prepaid or "free" Internet access time for on-line help services. Such a time period could be for a total time period such as 1 hour or more, or access to on-line help services can be unlimited for 90 days, 6 months, etc., for example, with the access time paid for by the sponsor/vendor. The first time a customer uses the on-line help service, the Internet Entry Server performs a registration process which includes a number of personal questions and custom data gathering in the form of queries provided by the sponsor/vendor for response by the user. The pertinent answers are then immediately provided to the sponsor/vendor. The Internet Entry Server then "hot-links" the customer to the sponsor/vendor's Internet domain or Home Page for a mandatory "guided tour" where the user is exposed to any current product promotion by the sponsor/vendor and can download promotional coupons, product information, etc.

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Examiner maintains that Toader teaches recording a browser user type per claims 4 and 8.

Applicants states on page 7, "Applicants assert that this is not a narrowing amendment because the addition of the word 'network' merely states what is inherently part of the claim. Therefore, the scope of claims 5 and 9 remains the same." Examiner is not persuaded. Examiner maintains that Toader reads on the claimed "network address."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

August 11, 2003



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